

**REPORT - PLANNING COMMISSION MEETING
November 18, 2004**

Project Name and Number: Housing Element Implementation Program 18
(PLN2005-00072, PLN2005-00073, PLN2005-00075, PLN2005-00076)

Applicant: City of Fremont

Proposal: To consider both a City-initiated General Plan Amendment and a Rezoning application to allow multi-family housing, increase existing residential densities on multiple parcels, and adopt designations and zoning conforming to actual use of parcels comprising Sites 1, 2 3, and 4 on approximately 51 acres of land that are located in four separate portions of the City, as follows:

Site 1 (PLN2005-00072) to re-designate approximately 4.5 acres of both privately-owned land as well as portions of land owned by the Alameda County Flood Control District (ACFCD), all in the Centerville Planning Area. The subject parcels are located on the south side of Fremont Boulevard between Handel Commons and London Commons. The proposed General Plan re-designation is from Medium Density Residential (6.5 to 10 dwelling units per acre) and Commercial Thoroughfare to Medium Density Residential (18 – 23 du/ac) for five privately-owned parcels and to Institutional Open Space for the Alameda County Flood Control District (ACFCD) lands. For consistency, the five parcels of privately-owned land proposed for General Plan re-designation are also proposed to be rezoned from Commercial Thoroughfare (CT) Centerville Specific Plan (CSPC) district to the P-2005-72 (CSPC), and the publicly-owned Alameda County Flood Control District (ACFCD) lands rezoned from Commercial Thoroughfare (CT) to Open Space (O-S)

Site 2 (PLN2005-00073) to re-designate approximately 11.5 acres of land in three groupings in the Centerville Planning Area. Site 2A is located generally on the northwest corner of Dusterberry Way and Central Avenue; Site 2B is located on the southeast corner of Dusterberry Way and Peralta Boulevard; and Site 2C is located west on Peralta Boulevard south of Dusterberry Way. The project includes the General Plan re-designation of Site 2A (which includes a portion of the DMV property) from Medium Density Residential (6.5-10 dwellings per acre) to High Density Residential (23 - 27 dwellings per acre); Site 2B from Medium Density Residential (6.5-10 dwellings per acre) to Medium Density Residential (11-15 dwellings per acre); and Site 2C from Medium Density Residential (6.5-10 dwellings per acre) and Light Industrial to Medium Density Residential (11-15 dwellings per acre). In addition, it includes an amendment of the land use element of the Centerville Specific Plan to change the land use designation, accordingly for all properties within this Site, and a corresponding rezoning of all affected properties from the P (CSPC) and IL (CSPC) District to the P-2005-73 (CSPC) district.

Site 3 (PLN2005-00075) to re-designate approximately 33.3 acres of land located within five parcels of record in the Mission San Jose Planning Area. The project includes the General Plan re-designation of the parcels from Low Density Residential (5 to 7 dwellings per acre) and Hill Face Open Space to Medium Density Residential (6.5 to 10 dwellings/acre) and Hill Face Open Space, and the corresponding rezoning of the parcels from the R-1-6 (H-I)(R) (Single Family Residential, Hillside Combining, Development Reserve Overlay), A (H-I) (R) (Agriculture, Hillside Combining, Development Reserve Overlay), and A (H-I) (Agriculture, Hillside Combining) to the P-2005-75 district.

Site 4 (PLN2005-00076) to re-zone approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in the Central Planning Area. The existing General Plan land use designation for this Site is "CBD-Central Business

District,” which is not proposed to be amended as part of this project. The project does include a zone change from the P-2002-216 district to the P-2005-76 district. The P-2005-76 district rezoning would amend the existing P district to add residential as a permitted use at a density of 50 to 70 dwellings per acre in conformance with the adopted CBD Concept Plan and land use designation for the Site.

Recommended Action: Recommend to City Council approval of Sites 1, 2, 3 and 4.

Location: **Site 1 (PLN2005-00072)** consists of approximately 4.5 acres located on the southerly side of Fremont Boulevard between Handel Commons and London Commons in the Centerville Planning Area.
Site 2 (PLN2005-00073) consists of approximately 11.5 acres located on the north and south side of Dusterberry Way between Peralta Ave and Central Avenue, and west on Peralta Ave. in the Centerville Planning Area.
Site 3 (PLN2005-00075) consists of approximately 33.3 acres of land located on the northerly side of Mission Boulevard, generally easterly of Palm Avenue, in the Mission San Jose Planning Area.
Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on the on Mount Vernon Avenue at Mowry Avenue in the Central Planning area.

Assessor Parcel Number(s):
Site 1: 501-0930-001-05, 501-0900-019-00, 510-0900-020-00, 501-0900-005-08, 501-0900-005-10, 051-0900-015-00 and 051-0930-06.
Site 2: 501-0522-002-00, 501-0551-046-00, 501-0551-046-00, 501-0521-017-00, 501-0521-010-03, 01-0521-013-13, 501-0520-103-06, 01-0521-013-05, 501-0521-013-04, 501-0521-013-16, 501-0521-013-15, 501-0521-013-11, 501-0521-013-08, 501-0521-016-00, 501-0521-013-07 and 501-0526-001-10.
Site 3: 513-0450-004-02, 513-0450-005-10, 513-0450-005-06, 513-0450-005-12 and 513-0450-006-02.
Site 4: 501-1162-001-02, 501-1162-003-03, 501-1162-004-00, 501-1162-005-00, 501-1162-006-00, 501-1162-008-00, 501-1162-016-00, 501-1162-015-00, 501-1162-014-00, 501-1162-013-00, 501-1162-012-00, 501-1162-011-00 and 501-1162-018-00.

Area: +/- 51.73-Acres

Owners: **Site 1:** Naek & Sadia Mohammed; Universal Investments, Beverly Bridges, Robert M. Rose and County of Alameda (for ACFCD).
Site 2: Richard A. & Bonnie G. Castner, Equities Storage, Harold L. Powell Tri City Autowash, Vincent J. Haavisto, Cynthia M. & Steven L. Hensley, M. O. Sabraw, State of California (for DMV).
Site 3: Mission Company, Clyde & Edwina Hobbs, Raymond L. Wong, Hillco, Mary A. & Eduard Dias Co Trs.
Site 4: City of Fremont, Yadav, Elizabeth and Loze Erika Holguin, Harriet A. & Diana Corbett, Edward L. Mumford, Charles M. Swan, Juliette P. Bryner, Sam and Hilda Hariz, Shirley M. Ahmad, Bhupinder Bandari, Monet Vernon LLC, Kamlesh R. & Meena K. Jinjuwadia.

Agent of Applicant: None

Consultant(s): None

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: **Site 1:** Medium Density (6.5 – 10 du/ac), Medium Density (18 – 23 du/ac) and Commercial Thoroughfare
 Site 2: Medium Density (6.5 – 10 du/ac) and Light Industrial
 Site 3: Low Density (5 - 7 du/ac) and Hill Face Open Space
 Site 4: Central Business District (CBD)

Existing Zoning: **Site 1:** CT (Commercial Thoroughfare) (CSPC)
 Site 2: P (CSPC) and IL (CSPC)
 Site 3: R-1-6 (H-I)(R), A (H-I) (R), and A (H-I)
 Site 4: P-2002-216

Existing Land Use: Vacant and underutilized lands with the following uses:
 Site 1: Commercial buildings and parking lots
 Site 2: Commercial uses including vehicle sales, lease and repair, car washes, restaurant, storage and warehousing.
 Site 3: single-family dwellings and associated outbuildings; agricultural lands
 Site 4: single-family dwellings and medical office buildings

Public Hearing Notice: Public hearing notification is applicable. A total of 1667 notices were mailed to owners and occupants of property within 300 feet of the parcels for each Site area. The notices to owners and occupants were mailed on November 5, 2004 for all four Sites. A Public Hearing Notice was delivered to The Argus on November 1, 2004 to be published by November 4, 2004.

Executive Summary: This proposal generally implements a portion of Program 18 (Increase Residential Densities on Existing Residentially-Designated Vacant and Underutilized Properties) of the Housing Element. Program 18 consists of the rezoning and redesignation of residentially designated properties to accommodate increased densities for the production of housing. The subject re-designations and rezoning include a second group of sites under Program 18. The first grouping of sites was approved in July 2004. Staff has identified 38 parcels for redesignation and/or rezoning to implement the goals, policies and programs set forth in Program 18. One parcel within the groups considered herein technically falls under Program 21 (redesignation of commercial and industrial properties east of I-880 for residential use) as it includes parcels that are currently zoned commercial and is being considered for redesignation and rezoning to residential. This property is included in Site 1. As part of this project, staff is also recommending a clarifying redesignation and rezoning of the Alameda County Flood Control District (ACFCD) lands that are immediately adjacent to the parcels in Site 1 and are currently improved as a flood control channel so that they will be designated and zoned as Institutional Open Space (O-S). It is anticipated that additional sites will be identified under Program 18 and brought before the Planning Commission and City Council at a subsequent time in 2005.

Staff is requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and the General Plan redesignations and rezonings to the City Council.

Background: The City is charged by State statute with responsibility for updating its Housing Element. A Housing Element is a planning document (part of the General Plan) that guides the City's housing efforts. The Element not only provides general goals, objectives and policies but also proposes implementation programs to meet the stated goals and objectives. The Housing Element must also address the City's allocation of housing needs prepared by the Association of Bay Area Governments. The Association of Bay Area Governments (ABAG) has determined the 1999-2006 Regional Housing Needs Distribution Allocation for all Bay Area cities and counties, including Fremont. The total housing need for Fremont is 6,708 units (revised to 4,912 based on recent housing production as set forth in the Housing Element). This allocation is based upon ABAG's projections of the City's share of regional job growth and regional household growth during the 1999-2007 period.

Existing law requires the State Department of Housing and Community Development (HCD) to evaluate the programs in the housing element for consistency with State law. Those programs include the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels.

On February 12, 2002, the City Council adopted a new Housing Element to replace the previously adopted (May 1991) Element. Council adopted a revised Housing Element on May 13, 2003. On July 17, 2003, HCD informed the City of Fremont that the Housing Element adopted by the City Council on May 13, 2003 was found in compliance with State law. HCD reiterated the need for the City to meet the established timeframes. The City submitted an annual report to HCD on the progress in implementing identified Housing Element programs prior to the October 1, 2004 deadline. The next report will be due on October 1, 2005.

The following sites are being proposed for re-designation and/or rezoning to residential:

Site 1 (PLN2005-00072) consists of approximately 4.5 acres located on the southerly side of Fremont Boulevard between Handel Commons and London Commons in the Centerville Planning Area.

Site 2 (PLN2005-00073) consists of approximately 11.5 acres located on the north and south side of Dusterberry Way between Peralta Ave and Central Avenue, and west on Peralta Ave. in the Centerville Planning Area.

Site 3 (PLN2005-00075) consists of approximately 33.3 acres of land located in 5 separate parcels on the northerly side of Mission Boulevard, generally easterly of Palm Avenue, in the Mission San Jose Planning Area.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on the on Mount Vernon Avenue at State Avenue in the Central Planning area.

Project Description: Staff proposes the redesignation and/or rezoning of 39 properties to carry out the implementation of Programs 18 and 21 of the Housing Element. These are two programs that are being considered on November 18th as part of the third grouping of redesignations and rezonings required to implement strategies of the Housing Element related to increasing opportunities for the production of housing in Fremont. The first grouping of sites was for Program 22 (Redesignation and Rezoning of Older Shopping Center Sites), and Program 23 (Rezoning Sites to Mixed-Use to Accommodate Affordable Housing Developments) of the Housing Element, and was approved by the City Council in December 2003. The second grouping of sites, which included Programs 18, 19 and 21, were approved in July 2004. This staff report covers the proposed second grouping of sites under Program 18, as part of the third overall grouping of redesignations and rezonings.

In Program 18, the Housing Element provides that residentially-designated vacant and under-utilized lands should be considered as opportunity sites for additional housing. During the preparation of the Housing Element, the City identified approximately 134 acres in different planning areas that fell under this category. In order to make the process of re-designation manageable, staff is proposing to bring forth groupings of sites in several cycles in 2004/2005. The second cycle before the Planning Commission at this time under Program 18 includes four sites on approximately 51.7 acres that are located in the Centerville, Mission San Jose, and Central Planning Areas.

The Sites that have been identified for redesignation and rezoning at this time are included as Attachments to this Report. Exhibits labeled "A" identify the proposed General Plan redesignations; exhibits labeled "B" identify the rezonings for the subject Sites; and exhibits labeled "C" identify the proposed Specific Plan amendments, where applicable. The Planned Development Districts are labeled as Exhibits "D". The following is a description of these Sites including proposed redesignations and rezoning:

Site 1 (PLN2005-00072) consists of approximately 4.5 acres of privately-owned land and portions of land owned by the Alameda County Flood Control District (ACFCD) in the Centerville Planning Area. The privately-owned parcels are located on the south side of Fremont Boulevard between Handel Commons and London Commons, and contain a mix of commercial uses including a florist shop, insurance agency, auto sales and lease, auto repair, auto accessories, etc. This Site also includes lands owned by the Alameda County Flood Control District (ACFCD) that are located along the east and southeast boundary and are improved as a flood control channel. The project includes redesignation of the five privately-owned lands from Medium Density Residential (6.5 to 10 dwellings per acres) and Commercial Thoroughfare to Medium-density (18 – 23 du/ac) and the corresponding rezoning of these parcels of land from Commercial Thoroughfare (CT) (CSPC) district to Planned District P-2005-72 (CSPC). The Planned District will allow the owners to continue the commercial uses until such time as

residential development is proposed, and provides guidelines for the development of residential uses in a manner that is compatible with surrounding residential properties. In addition, the project includes the redesignation of the Alameda County Flood Control District (ACFCD) lands that are located within the boundaries of Site 1 to Institutional Open Space and rezoning to O-S (Open Space). The project also includes an amendment of the Centerville Specific Plan to change the land use diagram and zoning diagram accordingly.

Surrounding land uses adjacent to Site 1 include multiple family residential dwellings to the north, east and west with small lot single- family dwellings to the south, along Bell Street. An Alameda County Flood Control District (ACFCD) open drainage channel also exists to the east.

Site 2 (PLN2005-00073) consists of approximately 11.5 acres of land in three groupings in the Centerville Planning Area. Site 2A is located generally on the northwest corner of Dusterberry Way and Central Avenue; Site 2B is located on the southeast corner of Dusterberry Way and Peralta Boulevard; and Site 2C is located west on Peralta Boulevard south of Dusterberry Way. The project includes the re-designation of Site 2A (which includes a portion of the DMV property) from Medium Density Residential (6.5-10 dwellings per acre) to High Density Residential (23 - 27 dwellings per acre); Site 2B from Medium Density Residential (6.5-10 dwellings per acre) to Medium Density Residential (11-15 dwellings per acre); and Site 2C from Medium Density Residential (6.5-10 dwellings per acre) and Light Industrial to Medium Density Residential (11-15 dwellings per acre). In addition, it includes an amendment of the land use element of the Centerville Specific Plan to change the land use designation accordingly for all properties within this Site 2 and a corresponding rezoning of all affected properties from the P (CSPC) and IL (CSPC) District to P-2005-73 (CSPC). The Planned District, described in Site 1, above, provides property owners with flexibility to either continue existing uses, or convert to residential.

Land uses surrounding this site include multi-family residential complexes and single-family residential to the north and west, a church, truck yard, and multi-family dwellings to the south and commercial uses to the west.

Site 3 (PLN2005-00075) consists of approximately 33.3 acres of land with five parcels in the Mission San Jose Planning Area. Existing uses include five single family dwellings and associated outbuildings. The project includes re-designation of the parcels from Low Density Residential (5 to 7 dwellings per acre) and Hill Face Open Space to Medium Density Residential (6.5 to 10 dwellings/acre) and Hill Face Open Space, and the corresponding rezoning of the site from the R-1-6 (H-I)(R) (Single Family Residential, Hillside Combining, Development Reserve Overlay), A (H-I) (R) (Agriculture, Hillside Combining, Development Reserve Overlay), and A (H-I) (Agriculture, Hillside Combining) to the P-2005-75 district. Again, this Planned District, described in detail in Site 1, above, provides property owners with flexibility to either continue existing uses, or convert to higher density residential.

Land uses surrounding Site 3 include the headquarters of the Alameda County Water District to the east, and single family residential development on the remaining perimeters.

Site 4 (PLN2005-00076) consists of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and Capitol Avenue in the Central Planning Area. Existing uses include single-family homes and 3 office buildings. The existing General Plan land use designation for this site is "CBD-Central Business District, which is not proposed to be amended as part of this project. The project does include a proposed zone change P-2002-216 (Planned Development) to P-2005-76 (Planned Development). The proposed Planned Development rezoning would amend the existing P-2005-216 district to the P-2005-76 district to allow the property owners flexibility to continue existing residential and offices uses, as well as convert to residential uses at a density of 50 to 70 dwellings per acre in conformance with the adopted CBD Concept Plan and land use designation for the site.

Land uses surrounding Site 4 include commercial development to east, west and south. Multiple family residences have been constructed to the north.

Analysis:

Program 18 consists of vacant and under-utilized lands to be redesignated and/or rezoned to accommodate increased densities for the production of housing. The sites that are proposed for redesignation under this second grouping in

Programs 18 and 21 are considered prime candidates for redesignation because they are located on arterial streets or major collector streets, have been identified as potential residential sites in adopted specific plans or conceptual plans, and/or, for the most part, are located near or adjacent to lands that are designated medium or high density residential.

The current general plan land use designations for all the currently identified sites are primarily residential at 5 – 7 units per acre, 6.5 – 10 units per acre, 18 – 23 units per acre and Commercial Thoroughfare. A general plan amendment is required in order to provide for residential densities that are higher than the residential density designations currently available to these properties, as anticipated in the Housing Element. The proposed general plan amendments in Program 18 and 21 will result in the entire sites having medium and high density residential designations, as identified in Exhibits “A” within each Site.

General Plan Conformance: The proposed General Plan Amendment will generally redesignate Sites 1, 2, 3 and 4 for new and/or increased residential designations. The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

- Fundamental Goal F8: *“A Diversity of residential, recreational, cultural, employment and shopping opportunities”*
- Fundamental Goal H3: *“Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002”.*
- Land Use Policy 1.9: *“To achieve a variety of housing types, the City has designated locations where moderate and higher density development is appropriate. Criteria for the location of higher density housing include access to transit, proximity to commercial areas, proximity to collector or arterial street, and a transition use where maximum flexibility in site design is required. For those areas where higher densities are indicated on the General Plan Diagram, construction of housing at significantly lower densities than planned would not meet the City’s goals. The City therefore established a minimum required density of development for all medium and high density residential uses as follows:*
- 1. When the residential range is between 6.5 and 70 units per acre (ranges 8 – 15), and a development application has not been deemed completed for processing under the provisions of the Permit Streamlining Act by July 1, 2003, the minimum density of the project must be at the midpoint of the density range.*
 - 2. When calculation of the midpoint density results in a fraction of a unit equating to 0.50 or more, the minimum density shall be rounded up to the next whole number.*
- “Reduction in the midpoint density may be approved when environmental constraints or historic preservation goals preclude achievement of the midpoint density. If the property proposed for development contains a Primary Historic Resource, or is listed on the State or National Register of Historic Places, or is determined by the City Council through recommendation from HARB to possess historic significance then minimum density may be waived”.*

Centerville Specific Plan
Land Use Opportunity
Areas

“Subareas 1, 4, 5, 7 and 11 accommodate auto dealer sites and accordingly are identified as having the greatest opportunity for significant land use change. For these subareas, an important premise of the land use plan is that existing underutilized parcel will be assembled into larger, more efficient development sites to accommodate market demand and amenities such as parks”.

“Subareas 5 and 7: Subareas 5 and 7 represent the major opportunity area for redevelopment. This area is currently the primary concentration of auto dealers and auto related uses. As previously mentioned, many of the new auto dealers are expected to relocate to the auto mall. The highest potential and best use for this land is residential as

identified in the Centerville Economic Revitalization Study prepared in 1990 by Economics Research Associates. Many viable non-auto related service businesses are located throughout these subareas.

Subareas 5 and 7 would permit residential densities in single-family detached houses or attached townhouses. The plan envisions the conversion of commercial and light industrial uses in these areas to residential uses to support the existing and planned community commercial uses in Subarea 1”.

“Subarea 11 is another concentration of auto dealer site, however, smaller than Subareas 5 and 7. Subarea 11 is adjacent to an existing single-family residential neighborhood.

Existing auto dealers are planned to be replaced with multi-family housing and office commercial uses. Higher density residential uses are planned facing Fremont Boulevard with medium density housing adjacent to existing single-family housing”.

Housing Program Strategy

Implementation 18:

“Increasing Density on Existing Residentially Designated Vacant and Underutilized Parcels. The City will evaluate vacant and underutilized residentially designated parcels to identify sites, which could have an increased density and then undertake city-initiated General Plan changes and rezoning to higher densities. The parcels to be evaluated are separate from and do not include the parcels listed in Program #17 of this chapter. As illustrated in the tables below, rezoning of vacant land is expected to result in zoning to accommodate 164 low income and 895 moderate-income units. Rezoning of underutilized lands is expected to generate zoning to accommodate 433 very low income, 104 low income and 576 moderate-income units. Sites sufficient to meet program needs are identified in Appendix E”.

The proposed general plan amendments accommodate additional densities on the four sites and are consistent with these land use and Housing Element goals and policies and Housing Element implementation strategies because redesignation of sites will allow increased opportunities for the production of medium and higher density housing. Where appropriate, they will accommodate residential uses at the minimum established mid-point density ranges, and will implement key Housing Element Strategies that are intended to facilitate the production of new housing in the City of Fremont.

The project proposes to redesignate the public lands within the boundaries of Site 1 that are owned by Alameda County and are developed with a flood control channel. In the past, the designation of such public lands would be designated consistent with the adjacent privately-owned lands. Staff is proposing that as the opportunity arises, public lands should be redesignated to Institutional Open Space and rezoned to Open Space (O-S) which is the more appropriate designation for these lands since no real development potential can be applied to these lands. Thus, staff is recommending that the flood control lands within Site 1 be redesignated and rezoned accordingly.

Zoning Regulations: Site 1 is zoned Thoroughfare Commercial (C-T), Site 3 is zoned R-1-6 and Sites 2 and 4 have a pre-existing Planned District zoning classifications. Under this second Program 18 grouping, Planned Districts are proposed for all four sites. Future development on these sites will be based primarily upon the development standards of the R-3 zoning district, with additional development standards that relate to the specific unique characteristics of each site, as identified in the Planned District Statement Exhibits.

Zoning District Analysis:

Planned Districts: The Housing Element anticipates that Planned District zoning would be applied to certain sites, and that each Planned District would: (1) specify the uses allowed on the site; (2) establish a density range that is allowed by right; and (3) prescribe that the process for subsequent review of a project will require only Site Plan and

Architectural Approval by the Planning Commission, in lieu of the requirement for approval of a Precise Plan by ordinance, which requires City Council approval.

New Planned Districts are proposed for Sites 1/PLN2005-00072, Site 2/PLN2005-00073, Site 3/PLN2005-00075, and Site 4/PLN2005-00076 (See Exhibits "D"). As required by the Housing Element, residential developments must achieve, at minimum, the mid-point density within the established density range for the site.

The Planned District for Site 1 allows thoroughfare commercial uses to continue to exist as permitted uses and is regulated by the Commercial Thoroughfare (CT) District until such time as the properties convert to residential uses. This is consistent with the land use and implementing policies of the Centerville Specific Plan for Area 11, where the Site is located.

Site 2 is already designated for medium density residential density (6.5 – 10 units per acre), therefore, the existing commercial uses are already considered legal-non-conforming. The new Planned District for Site 2 allows existing legal non-conforming commercial uses to continue to exist provided that any change in use or tenant would require approval of a use permit by the Zoning Administrator. A change to a more intense use would require approval by the Planning Commission. Where entire buildings have remained vacant for more than 12 months or for 18 months in any 36 month period, they may not be re-occupied with a commercial use. Non-conforming uses or buildings cannot be expanded.

The Planned District for Site 3 establishes guidelines for future development which will guarantee that the area above the Toe of the Hill line must conform with the Hill Area Initiative of 2002 (Measure T) as well as other applicable hill area policies. Additionally, the first property owner to submit for development at the prescribed densities will be required to prepare a master circulation plan for the area and a traffic study to evaluate how the proposed roadway infrastructure would be integrated with the existing roadway infrastructure.

The Planned District for Site 4 incorporates the provisions of the existing approved Planned District for the Site (PLN2002-216) while adding a high density residential designation of 50 – 70 units per acre in the upper levels of buildings to the list of permitted uses. Lower levels of buildings will be developed with pedestrian-oriented retail uses. The new Planned District will continue to allow existing single-family and office uses to remain with limited opportunities for additions/expansions until such time as the area develops at the higher densities envisioned in the CBD Concept Plan. For all four sites, the residential uses would be permitted (and encouraged) at an established mid-point residential density range consistent with the density range of the proposed residential designation.

The Initial Study for the City-initiated P district indicates that all sites contain mature trees, many planted for landscape enhancement purposes, as part of existing development. Some of the trees may meet City requirements for a heritage tree and loss of such heritage trees could be a potentially significant impact. Prior to residential development on any of the four sites, an arborist report shall be prepared to assess potential loss of any heritage trees. If heritage or other significant trees are identified, the arborist shall prepare a tree preservation plan to protect such trees during construction and to ensure long-term health of such trees. If heritage or other significant trees cannot be retained, a tree replacement program shall be prepared, in accordance with the City's tree ordinance. The Initial Study also indicates that potential historic resources may exist on Sites 1 and 3. Historical resource surveys(s) shall be conducted by a qualified architectural historian to identify the significance of each of the potential historic resources prior to any proposed development. None of these issues would preclude development of the properties. However, such environmental and historic resource factors may be used to justify achieving less than the midpoint minimum density when a specific development is proposed. All new residential construction requires review and approval through the Site Plan and Architectural Review by the Planning Commission.

Section 8-21811(i) of the Zoning Ordinance requires certain findings for City-initiated P districts. This section states that after a public hearing the City Council may establish a P district provided that the Council finds the following:

- (1) The property is designated in the General Plan as having a relatively unique feature, and because of the need for specific design to achieve the objectives of such special General Plan designation, the property can best be established as a P district; or

- (2) The uniqueness of the size, shape, topography of the property or its relationship to adjacent parcels, historical character or landscaping features is such that the property can best be developed as a P district.

Staff believes both findings can be made for the proposed Planned Districts. The designation of the sites to incorporate previously approved planned district requirements and their location adjacent to major arterials warrants special design treatment to achieve the objectives of a Planned District.

Property owner outreach: All owners of property within all four sites in Program 18 were mailed notices on September 13, 2004 regarding the City's intent to consider their property in this redesignation/rezoning effort. The Planning Division held two informational workshops for property owners on September 22 and 23, 2004. Nine owners of property in Program 18 attended or were represented at the meeting. Staff has contacted property owners directly, where phone contact information was available. In general, property owners are supportive of the proposed redesignations.

A total of 1667 notices were mailed to owners and occupants of property within 300 feet of the parcels for each Site area. The notices to owners and occupants were mailed on November 5, 2004 for all four Sites. A Public Hearing Notice was delivered to The Argus on November 1, 2004 to be published by November 4, 2004

Public Contact: Staff has received several phone calls and e-mails from residents in the vicinity of all four Sites. Most comments related to Sites 1, 2 and 4, and centered around whether or not existing uses would be allowed to continue to exist. The property owners were informed that the redesignation and rezoning did not force immediate conversion of the parcels to proposed residential densities and that, through the Planned Districts, existing uses would be allowed to continue to exist as provided for in the Centerville Specific Plan until such time as the sites are ready for development by the property owners into residential. Inquiries related to Site 3 were received requesting clarification regarding the proposed density range and how it will relate to existing adjacent residential neighborhoods.

Environmental Analysis: An Initial Study, Mitigated Negative Declaration and Mitigation Monitoring Plan have been prepared for this project. A finding is proposed that this project would not have a significant effect on the environment. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council. The review period for the Initial Study and Mitigated Negative Declaration began on October 20, 2004 and will conclude on November 18, 2004. A Draft Mitigation and Monitoring Program has been prepared for the project and is attached to this report. The Planning Commission may make a recommendation on the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on comments made up to the time of the Planning Commission meeting. If any comments are received after the Planning Commission meeting, responses will be provided to the Council prior to their action.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

It should be noted that the project description Site 1 in the Mitigated Negative Declaration indicates that the proposed redesignation and rezoning of the Alameda County Flood Control District (ACFCD) lands is to Public Facilities. This has been revised to Institutional Open Space and Open Space (O-S), accordingly, which is the land use designation and zoning that has been consistently applied to such public lands. The redesignation and rezoning to Institutional Open Space and Open Space (O-S) of the Alameda County Flood Control District (ACFCD) lands will not result in any development potential or changes to the existing use, and no environmental impacts will result from these changes.

Response from Agencies and Organizations: Staff has not received any substantive comments on the Mitigated Negative Declaration for this project.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comments on the Program 18.

Exhibits:	Exhibit "A"	General Plan Exhibit – Site #1/PLN#2005-00072
	Exhibit "B"	Zoning Exhibit – Site #1/PLN2005-00072
	Exhibit "C-1"	Specific Plan Land Use Exhibit – Site #1/PLN#2005-00072
	Exhibit "C-2"	Specific Plan Zoning Exhibit – Site #1/PLN#2005-00072
	Exhibit "D"	Planned District Exhibit – Site #1/ PLN#2005-00072
	Exhibit "A"	General Plan Exhibit – Site #2/PLN#2005-00073
	Exhibit "B"	Zoning Exhibit – Site #2/PLN2005-00073
	Exhibit "C-1"	Specific Plan Land Use Exhibit – Site #2/PLN#2005-00073
	Exhibit "C-2"	Specific Plan Land Use Exhibit – Site #2/PLN#2005-00073
	Exhibit "D"	Planned District Exhibit – Site #2/ PLN#2005-00073
	Exhibit "A"	General Plan Exhibit – Site #3/PLN#2005-00075
	Exhibit "B"	Zoning Exhibit – Site #3/PLN2005-00075
	Exhibit "D"	Planned District Exhibit – Site #3/ PLN#2005-00075
	Exhibit "B"	Zoning Exhibit – Site #4/PLN2005-00076
	Exhibit "D"	Planned District Exhibit – Site #4/ PLN#2005-00076

Enclosures: Initial Study and Draft Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program

Recommended Actions:

1. Hold separate public hearings on Sites 1, 2, 3 and 4.
2. Recommend to the City Council that the initial study conducted for Sites 1, 2, 3 and 4 PLNs 2005-00072, 2005-00073, 2005-00075 and 2005-00076 has evaluated the potential impacts for Program 18 and 21 redesignations and rezonings that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and find that there is no evidence the project would have any potential adverse effect on wildlife resources.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration for Sites 1, 2, 3 and 4 P-2005-72, P-2005-73, P-2005-75 and P-2005-76, with accompanying Certificate of Fee Exemption finding that it reflects the independent judgement of the City of Fremont, and finding that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment.
4. Recommend to the City Council the adoption of the Mitigation Monitoring and Reporting Program.
5. Find that General Plan Amendments, the Rezoning to Planned Districts (P-2005-72 (CSPC), P-2005-73 (CSPC), P-2005-075 and P-2005-076) are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
6. Find that the existing commercial sites have relatively unique features and that their designation for higher density residential or combination of commercial and residential developments requires specific design considerations to achieve these objectives; and are identified in the Housing Element such that the properties can best be developed as Planned Districts.

7. Make separate recommendations for each site recommending that the City Council approve Exhibits "A" (General Plan Amendments), Exhibits "B" (Rezoning), Exhibits "C-1" and "C-2" (Specific Plan Amendment), and Exhibits "D" for the Planned Districts P-2005-72 (CSPC), P-2005-73 (CSPC), P-2005-75 and P-2005-76) for the following sites:

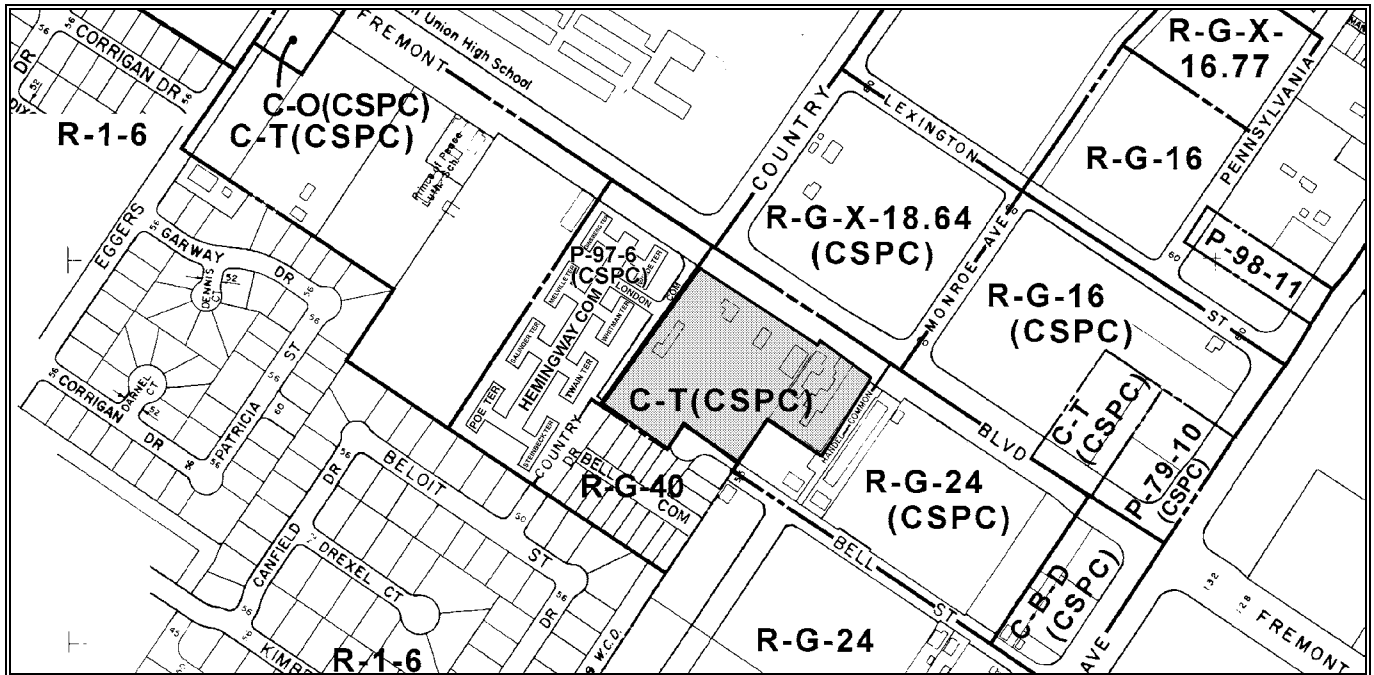
Site 1 (PLN2005-00072) approximately 4.5 acres located on the southerly side of Fremont Boulevard between Handel Commons and London Commons, and

Site 2 (PLN2005-00073) approximately 11.5 acres of land located in three separate grouping of parcels on the south and north side of Peralta Avenue and west on Peralta Avenue, and

Site 3 (PLN2005-00075) approximately 33.3 acres of land located on the northerly side of Mission Boulevard and generally east of Palm Avenue, and

Site 4 (PLN2005-00076) approximately 2.43 acres of land located on Mount Vernon at State Avenue.

Shaded Area represents the Project Site



Existing General Plan

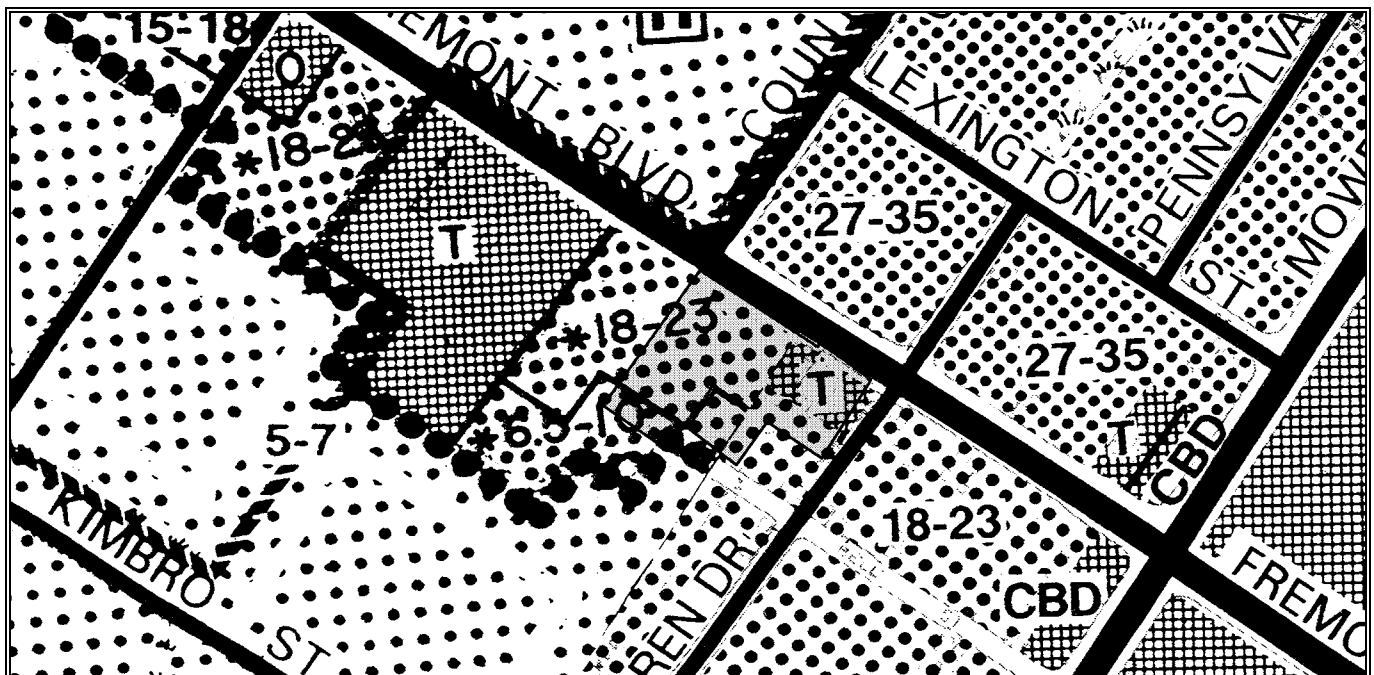


EXHIBIT "A"

Attached to and made a part of

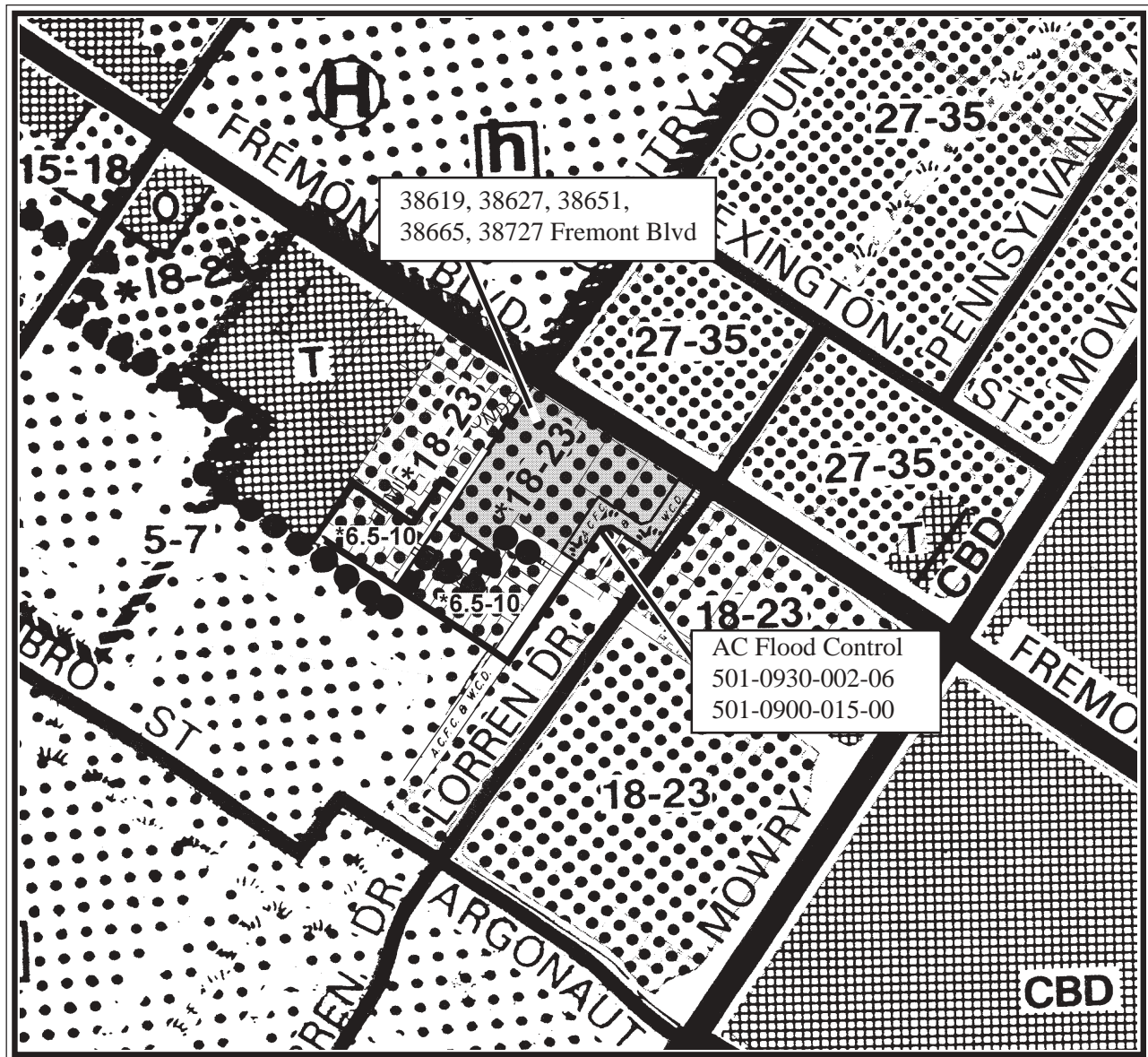
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTERVILLE & CENTRAL PLANNING AREAS



From: Res Med 18-23* (CSPC), Res Med 6.5-10*(CSPC), & Commercial Thoroughfare

To: Res Med 18-23*(CSPC); Institutional Open Space

Project Name: Housing Element Implementation Program 18 (Site 1)

Project Number: PLN2005-00072 (gpa)

[pc on 11-18-2004] 66-384

DWMC

EXHIBIT "B"

Attached to and made a part of

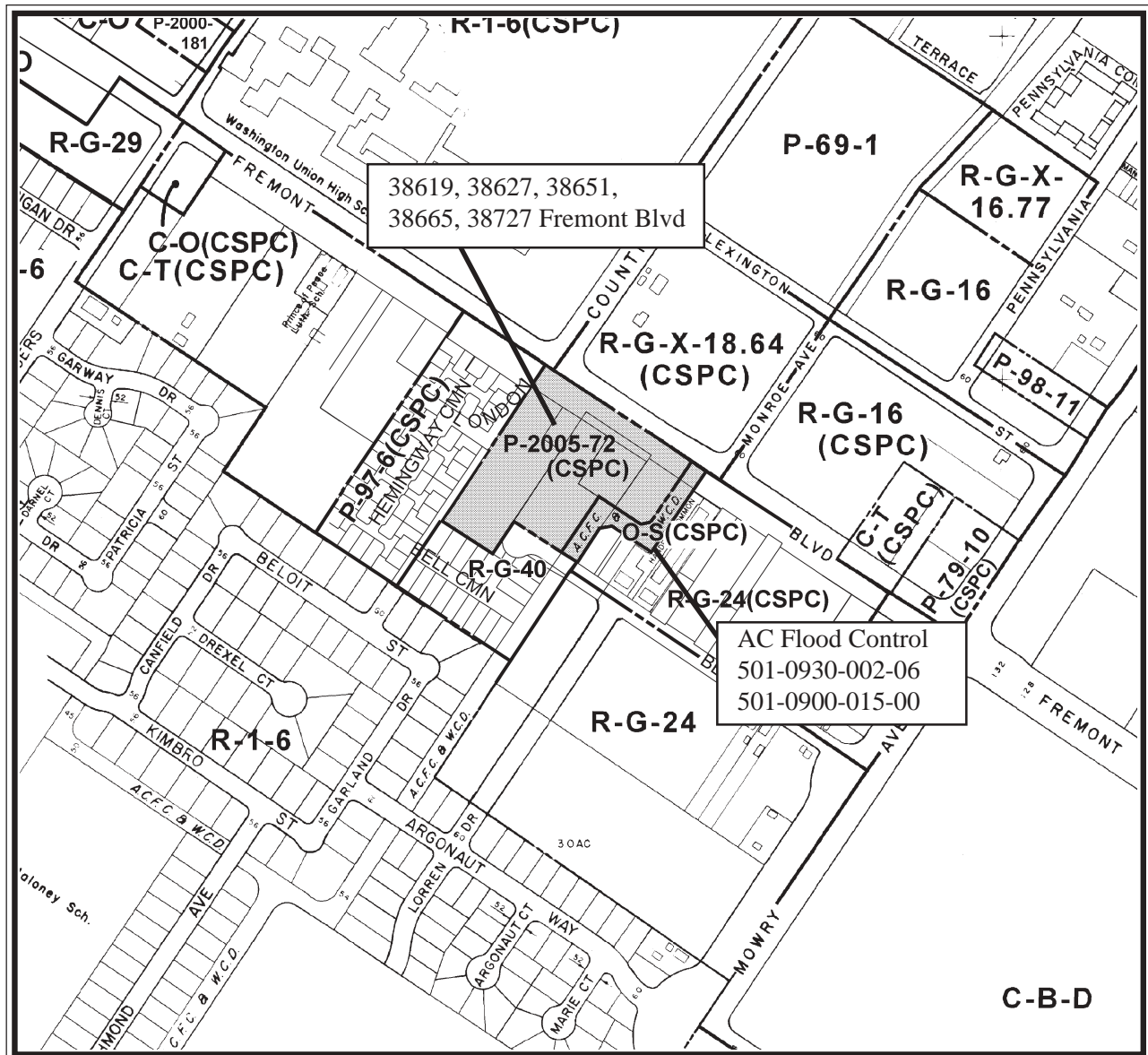
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTERVILLE & CENTRAL PLANNING AREAS



From: C-T(CSPC)

To: P-2005-72(CSPC), O-S(CSPC)

Project Name: Housing Element Implementation Program 18 (Site 1)

Project Number: PLN2005-00072 (pd)

[pc on 11-18-2004] 66-384

DRW

On the _____ day of _____, 20_04.

AFFECTS Figure C-1 Planned Land Uses, in the CENTERVILLE SPECIFIC PLAN

Project Number: PLN2005-00072 (cspc)

On the _____ day of _____, 2004.

AFFECTS Figure D-1 Zoning Districts, in the CENTERVILLE SPECIFIC PLAN

Area affected by this amendment

Map showing various zoning districts and their boundaries. Key streets include PERALTA BLVD, DUSTERBERRY WY, and FLEMING BLVD. A callout box points to a specific area, stating "Area affected by this amendment".

Legend:

- R-1-6: 6,000 SF/dwelling
- R-1-X-36.25: 3,625 SF/dwelling
- R-2: 6,000SF/dwelling
- R-G-40: 4,000 SF/dwelling unit (11)
- R-G-29: 2,980 SF/dwelling unit (15)
- R-G-24: 2,400 SF/dwelling unit (18)
- R-G-19: 1,900 SF/dwelling unit (23)
- R-G-16: 1,600 SF/dwelling unit (27)
- R-G-X-18.64: 1,864 SF/dwelling unit
- C-B-D: Central Business District
- C-C: Community Commercial District
- C-N: Neighborhood Commercial District
- C-T: Thoroughfare Commercial District
- C-O: Administrative Office District
- P: Planned District
- OS: Open Space District
- A: Agricultural District
- P-F: Public Facility
- (CSPC): Centerville Specific Plan Overlay District

Project Number: PLN2005-00072 (cspc)

EXHIBIT “D”

Fremont Boulevard between London Commons and Handel Commons Planned District (P-2005-72)

Purpose: To facilitate development of the approximately 4 acres of land located on Fremont Boulevard between London Commons and Handel Commons in the Centerville Planning Area by allowing residential development of 18 to 23 units per acre as shown in Exhibit “B”, attached.

Allowed Uses: Residential units are allowed at a density of 18 - 23 units per acre in accordance with the R-3-23 Multi-Family Residence District Development Standards. Preferred uses are those that result in the development of residential uses at a density of 20.5 – 23 units per acre. Uses to avoid are those that would result in nuisances to residences.

In accordance with the Centerville Specific Plan, existing thoroughfare commercial properties may continue to exist and shall be subject to the Commercial Thoroughfare (CT) zoning regulations until such time as the properties within this site redevelop to residential uses.

Development Review

Process: All subsequent residential uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Use in the R-3 district. Zoning Administrator uses shall be processed as a Planned District Minor Amendment subject to review and approval of the Assistant City Manager. Conditional Uses shall be processed as Planned District Minor Amendments, subject to review and approval of the Planning Commission.

Site Plan and Architectural Review:

All new residential shall be processed through Site Plan and Architectural Review (SPAA) by the Planning Commission. The review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and the interrelationship between residential and commercial uses both on and off-site. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for SPAA, the approving body must also make the following findings:

1. The proposed architecture is superior quality and will enhance the and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area.
2. The site plan has provided for pedestrian connections to nearby features.
3. The scale of the residential development shall take into consideration the scale of existing adjacent development. Units facing or backing up to adjacent lower density residential uses shall be developed at a scale that is compatible with said existing residential neighborhoods.
4. Access onto Bell Street shall be designed so that it does not provide a direct connection to Fremont Boulevard and minimizes impacts to adjacent residential properties.

All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.

Building and Site Standards:

Building and site standards shall be as required by the R-3 Multi-Family Residence District, Section 8-2756, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable.

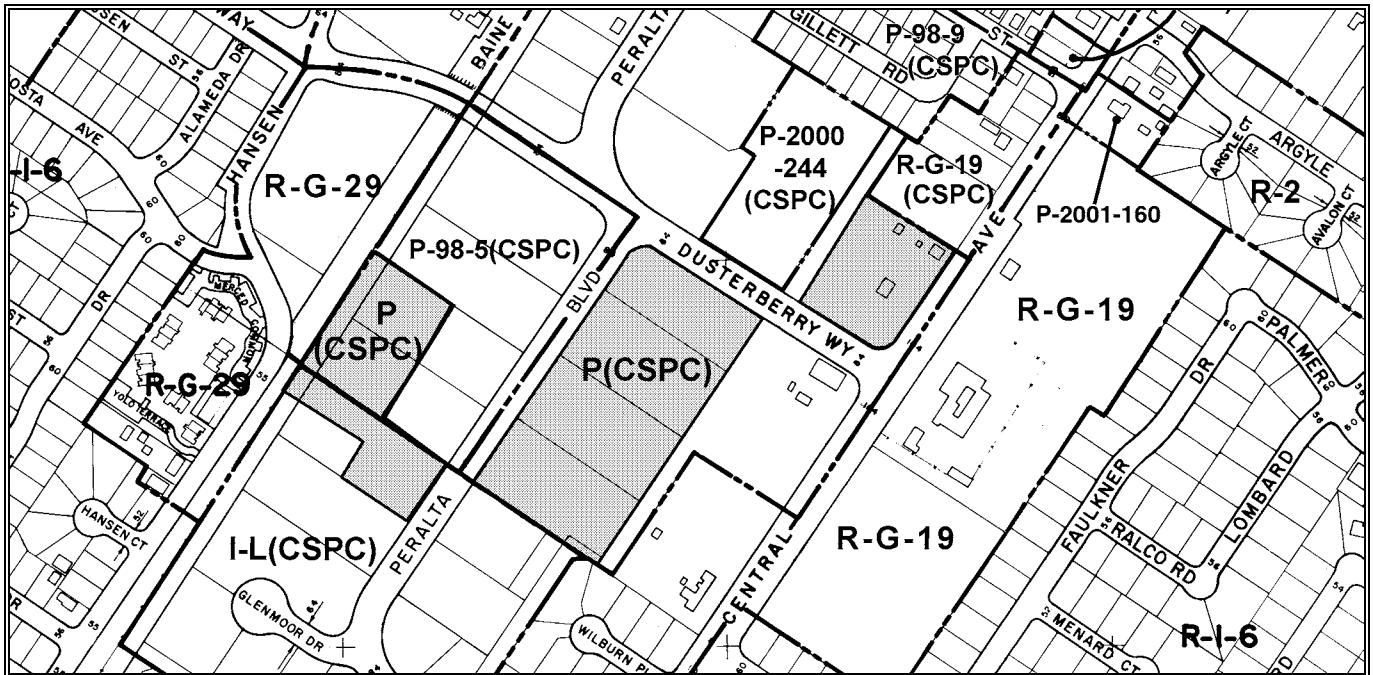
**Other
Regulations
that may be
Applicable:**

As referenced in the R-3 Multi-Family Residence Zoning District, Section 8-2757 of the Zoning District and in the Centerville Specific Plan.

**Applicable:
Mitigations**

Future development of the Site that results in the conversion to medium density residential uses shall be subject to the mitigation measures adopted for PLN2005-00072.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

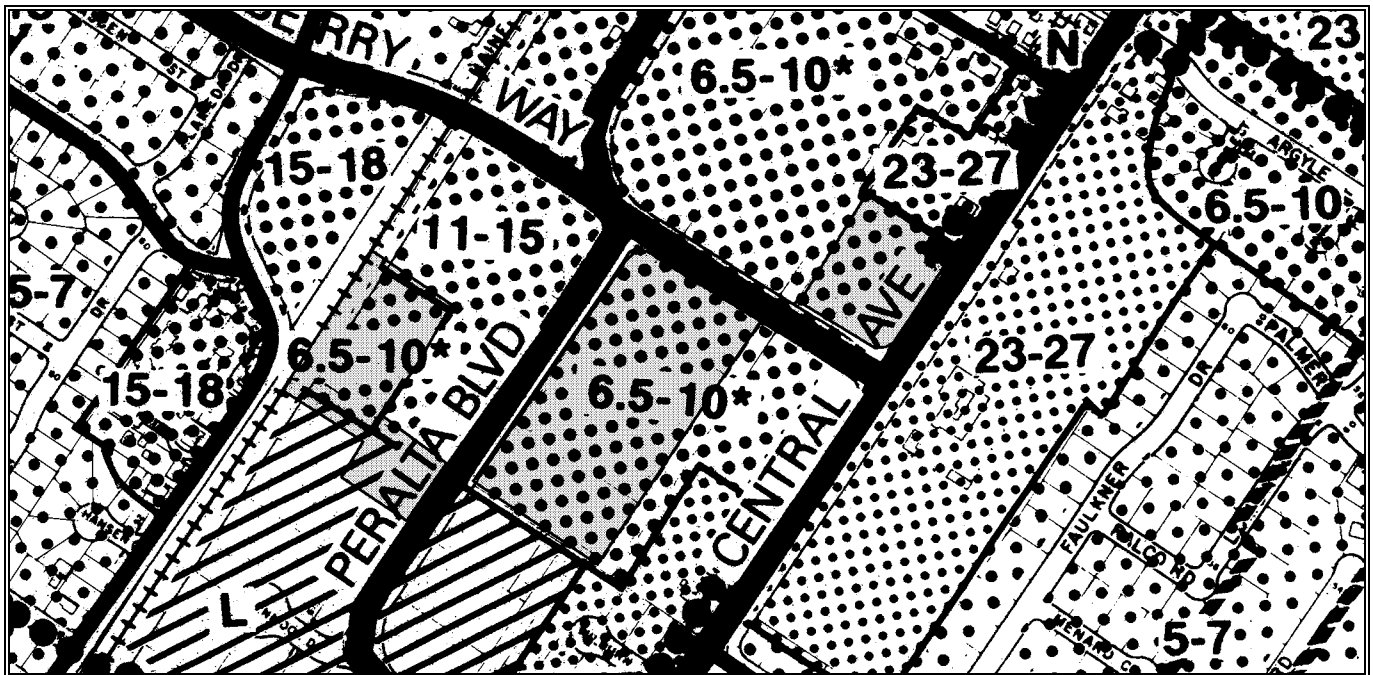


EXHIBIT "A"

Attached to and made a part of

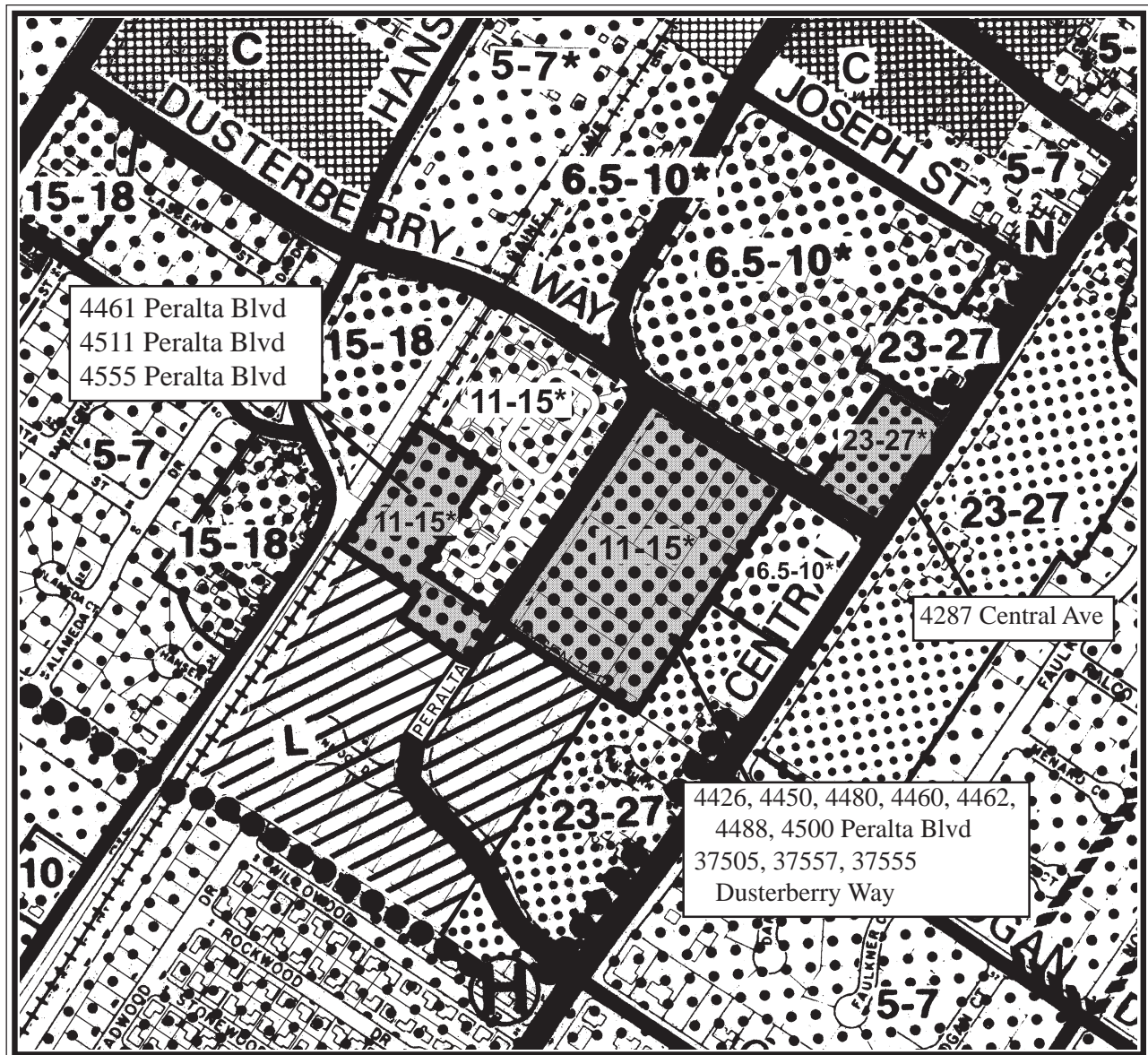
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTERVILLE PLANNING AREA



From: Res, Med 6.5-10*(CSPC) and Light Industrial; Res, Med 6.5-10*(CSPC); Res, Med 6.5-10*(CSPC)
To: Res, Med 11-15*(CSPC) du/ac; Res, Med 11-15*(CSPC) du/ac; Res, High 23-27*(CSPC) du/ac

Project Name: Housing Element Implementation Program 18 (Site 2)

Project Number: PLN2005-00073 (gpa)

[Signature]

EXHIBIT "B"

Attached to and made a part of

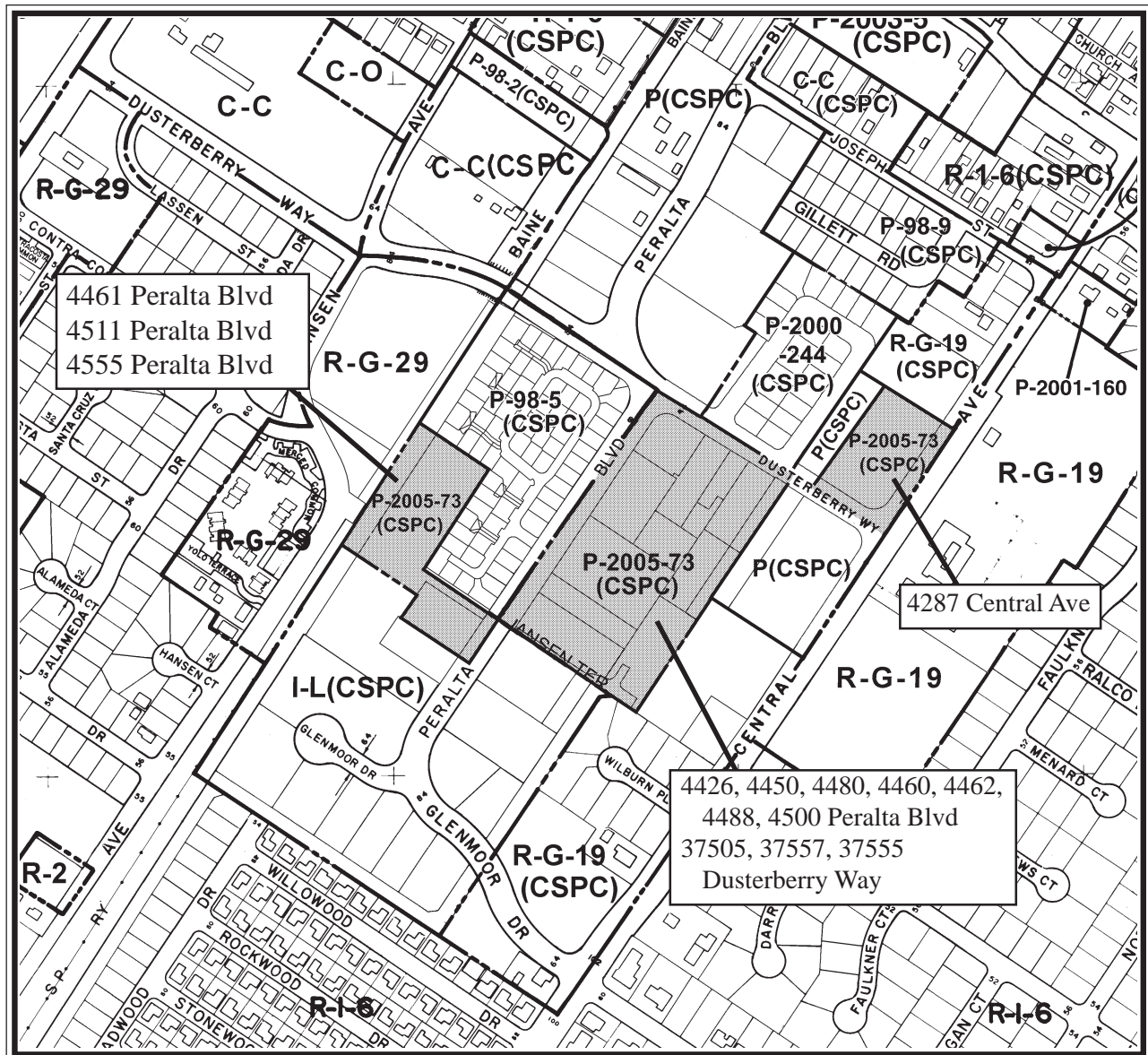
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTERVILLE PLANNING AREA



From: P(CSPC) & I-L(CSPC); P(CSPC); P(CSPC)

To: P-2005-73(CSPC)

[pc on 11-18-2004] 60-384

Project Name: Housing Element Implementation Program 18 (Site 2)

Project Number: PLN2005-00073 (pd)

DWPC

EXHIBIT "C1"

Attached to and made a part of

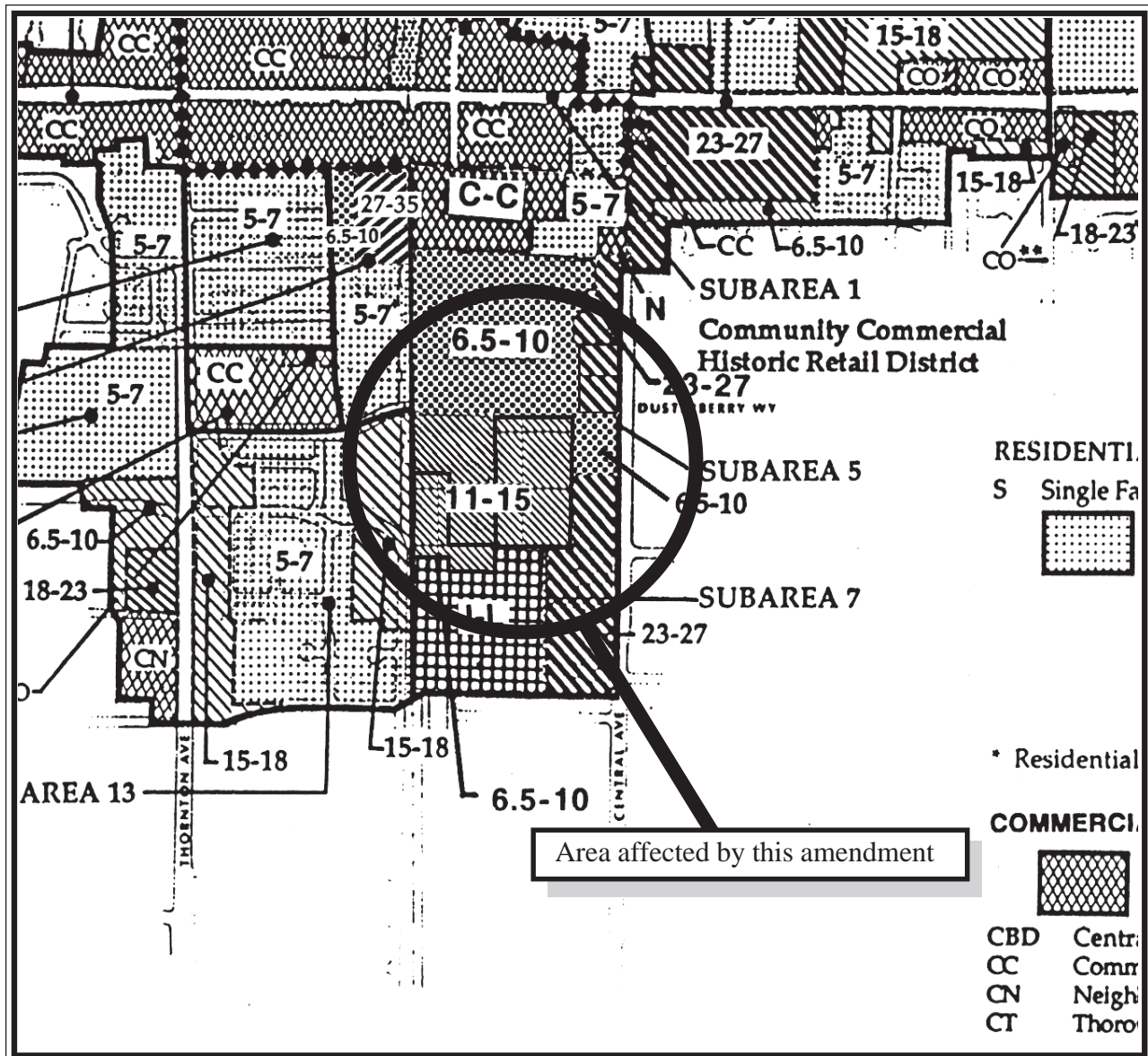
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20 04** .

CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION)

AFFECTS Figure C-1 Planned Land Uses, in the CENTERVILLE SPECIFIC PLAN



From: Res Med 6.5-10*(CSPC) du/ac & I-L; Res 6.5-10*(CSPC) du/ac

To: Res Med 11-15*(CSPC) du/ac ; Res High 23-27*(CSPC) du/ac

Project Name: Housing Element Implementation Program 18 (Site 2)

Project Number: PLN2005-00073 (cspc)

[pc on 11-18-2004] 66-384

DWK

EXHIBIT “C2”

Attached to and made a part of

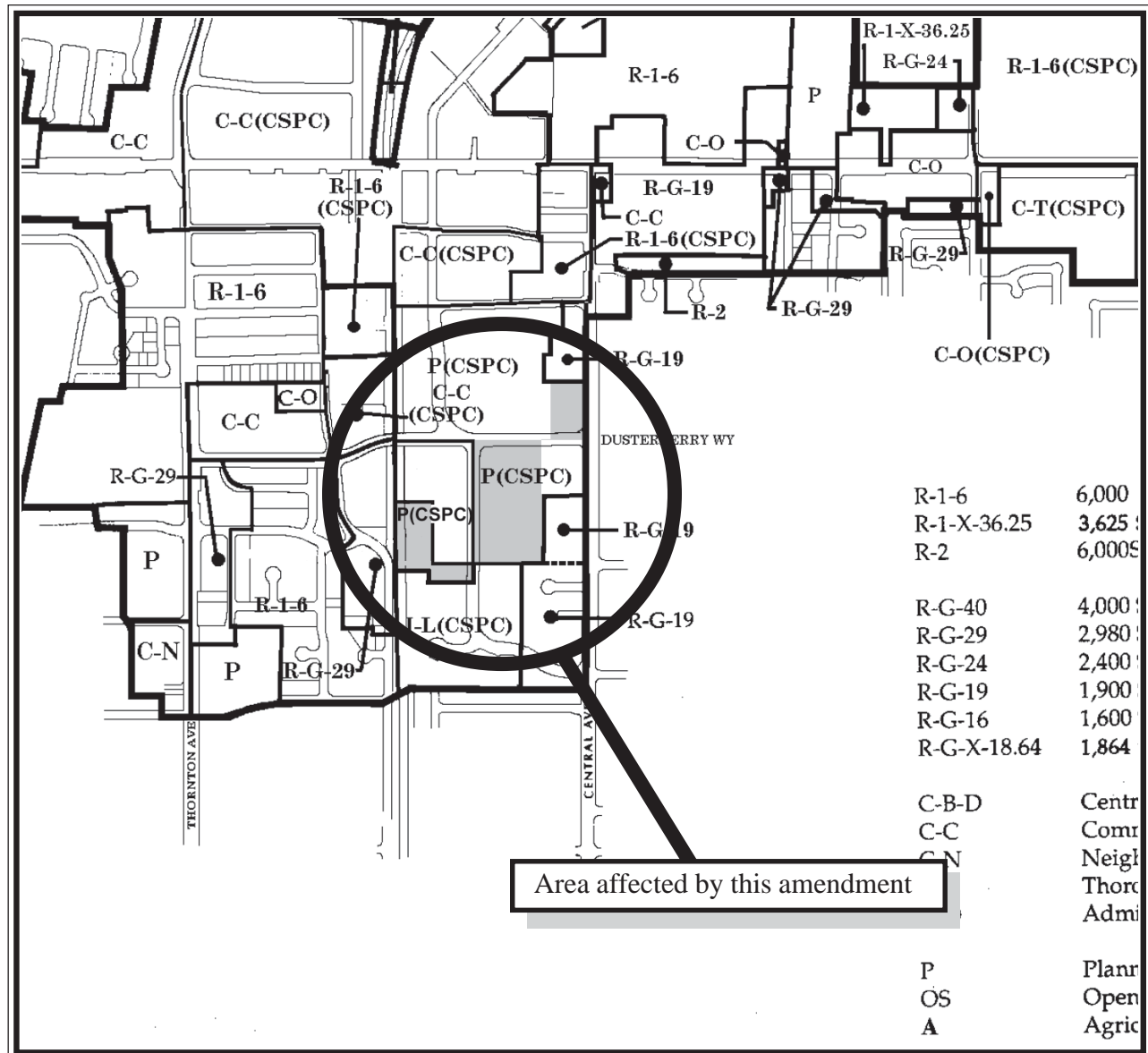
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04.

CENTERVILLE SPECIFIC PLAN OVERLAY (SECTION)

AFFECTS Figure D-1 Zoning Districts, in the CENTERVILLE SPECIFIC PLAN



From: P(CSPC) & I-L(CSPC); P(CSPC); P(CSPC)

To: P(CSPC)

Project Name: Housing Element Implementation Program 18 (Site 2)

Project Number: PLN2005-00073 (cspc)

[pc on 11-18-2004] 66-384

DMC

EXHIBIT “D”

Dusterberry Boulevard and Peralta Boulevard Planned District (P-2005-73)

Purpose: To facilitate development of the approximately 11.5 acres of land located north and south on Dusterberry Way and Peralta Avenue in the Centerville Planning Area by allowing the development of 11 to 15 units per acre and 23 to 27 units per acre as shown in Exhibit “B”, attached.

Allowed Uses: Residential units are allowed at a density of 11 – 15 units per acre and 23 – 27 units per acre in accordance with the R-3-15 and R-3-27 Multi-Family Residence District Development Standards, respectively.

Preferred uses are those that result in the development residential uses at the range of 13 – 15 units per acre (11 – 15 unit per acre range) and 25 – 27 units per acre (23 – 27 unit per acre range), respectively.

Non-conforming Uses:

Existing legal non-conforming uses may remain, except that entire buildings that have remained vacant for more than 12 months or for 18 months in any 36 month period may not be re-occupied with a commercial or light industrial use. Where a change in tenancy of a multi-tenant building is proposed, a use that is of the same or lesser intensity than the existing use (legally in operation at the time of adoption of this PD District), may be allowed by the Planning Director. Any new uses shall be subject to approval of a Zoning Administrator Use permit. The Zoning Administrator may refer the Zoning Administrator Use permit to the Planning Commission for approval. Non-conforming uses or buildings may not be expanded.

Development Review Process:

All subsequent residential uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Use in the R-3 district. Zoning Administrator uses shall be processed as a Planned District Minor Amendments subject to review and approval of the Assistant City Manager. Conditional Uses shall be processed as Planned District Minor Amendments, subject to review and approval of the Planning Commission.

Site Plan and Architectural Review:

All new residential shall be processed through Site Plan and Architectural Review (SPAA) by the Planning Commission. The review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and the interrelationship between residential and commercial uses both on and off-site. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for SPAA, the approving body must also make the following findings:

1. The proposed architecture is superior quality and will enhance the scenic qualities and complement the character of the area and be an attractive feature for Fremont and the Centerville Planning Area.
2. The site plan has provided for pedestrian connections to nearby features.

All other types of construction shall be reviewed by the City’s Development Organization in accordance with Section 8-22706 of the Municipal Code.

**Building and
Site Standards:**

Building and site standards shall be referenced the R-3 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance, and the Centerville Specific Plan for Subareas 5 and 7. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable.

**Other
Regulations
that may be
Applicable:**

As referenced in the R-3 Multi-Family Residence Zoning District, Section 8-2757 of the Zoning District and in the Centerville Specific Plan.

**Applicable
Mitigations:**

Future development of the Site that results in the conversion to medium density residential uses shall be subject to the mitigation measures adopted for PLN2005-00073.

The map shows a portion of the City of San Jose, California, with various lots and streets. The streets shown include Mission, Lima, Hetch Hetchy Water, Vaguerd, Mission Cielo, Cortes Santa Barbara, Camino, Via San Gabriel, and Palm. The lots are numbered and labeled with zoning designations. The zoning designations include R-1-6(H-I), P-96-4, R-1-6(H-I)(R), A(H-I)(R), P-F(H-I)(R), O-S(R), and R-1-8. The map also shows the location of the Jose Olvera and the Hetch Hetchy Water.

An aerial photograph of a proposed development site. The site is outlined in black and filled with a dense pattern of small black dots. The site is divided into several sections by dashed lines. The top section is labeled "TOH" and "TOH" in large, bold, black letters. The middle section is labeled "TOH" and "TOH" in large, bold, black letters. The bottom section is labeled "TOH" and "TOH" in large, bold, black letters. The site is bordered by a road on the left labeled "CAMINO SA" and a road on the right labeled "CAMINO SA". The site is also bordered by a road on the top labeled "CAMINO SA". The site is located in the northern part of the map.

EXHIBIT “A”

Attached to and made a part of

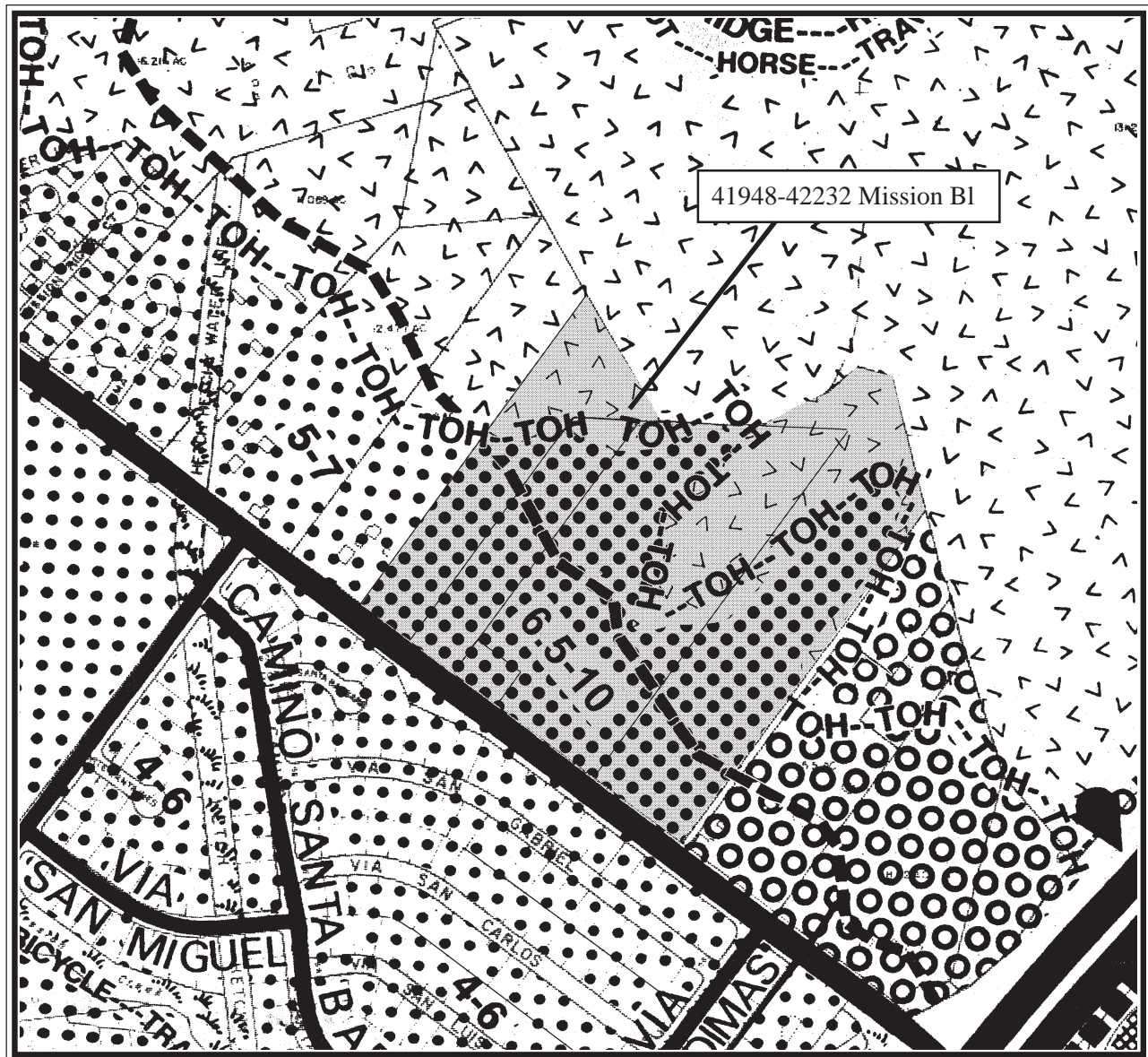
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 04 .

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE MISSION SAN JOSE PLANNING AREA



From: Res, Low 5-7 du/ac & Hill Face Open Space

To: Res, Med 6.5-10 du/ac & Hill Face Open Space

[pc on 11-18-2004] 84-380, 84-384

Project Name: Housing Element Implementation Program 18 (Site 3)

Project Number: PLN2005-00075 (gpa)

DWPC

EXHIBIT “D”

Mission Boulevard, east of Palm Avenue Planned District (P-2005-75)

- Purpose:** To provide direction and guidance for the development of approximately 33.3 acres located on the northeasterly side of Mission Boulevard, generally east of Palm Avenue in the Mission San Jose Planning Area by allowing residential development as provided in Exhibit B, (attached). Under this Planned District, the development potential above the Toe of the Hill is transferred to the area below the Toe of the Hill line.
- Allowed Uses:** Residential uses at a density of 6.5 - 10 units per acre for the approximately 16.5 acres located below the Toe of the Hill line as defined by the Hill Area Initiative of 2002 (Measure T) and in accordance with the R-3-10 Multi-Family Residence Development Standards. No structure or development as defined by Measure T is generally allowed above the Toe of the Hill line.
- Preferred uses are those that result in the development residential uses at the range of 8 units per acre (8.3 - 10 units per acre range,
- All subsequent uses shall be processed in the normal fashion for a Permitted, Zoning Administrator or Conditional Uses in the R-3-10 Multi-Family Residence Districts.
- Site Plan and Architectural Review:** All new residential construction shall be processed through Site Plan and Architectural Review by the Planning Commission. Review shall consider the architecture and site design in relation to the surrounding area, and shall take into account site access and impacts to adjacent residential uses. In addition to the Standards for Approval listed under Section 8-22706 of the Fremont Municipal Code for Site Plan and Architectural Review, the approving body must also make the following findings:
1. The proposed architecture is superior quality and will enhance the visual qualities and complement the character of the adjacent developments and be an attractive feature for Fremont and the Mission San Jose Planning Area.
 2. The site plan has provided for pedestrian connections to nearby features.
- Site Plan and Architectural Review:**
3. For proposed development of one lot or any combination of lots at the above subject site, a master circulation plan and traffic study shall be required. The traffic study scope shall be developed by the City's Engineering Division at the time a project proposal is received by the City. The main purpose of the analysis is to estimate the transportation impacts of any proposed development at key intersections near the site and the surrounding roadways. The traffic study shall include, but not be limited to, a detailed site circulation and access review for the site at project and build out condition scenarios. The study shall also evaluate how the proposed project's roadway infrastructure would be integrated with the existing roadway infrastructure.
- All other types of construction shall be reviewed by the City's Development Organization in accordance with Section 8-22706 of the Municipal Code.
- Building and Site Standards:** Building and site standards shall be referenced the R-3-10 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable.

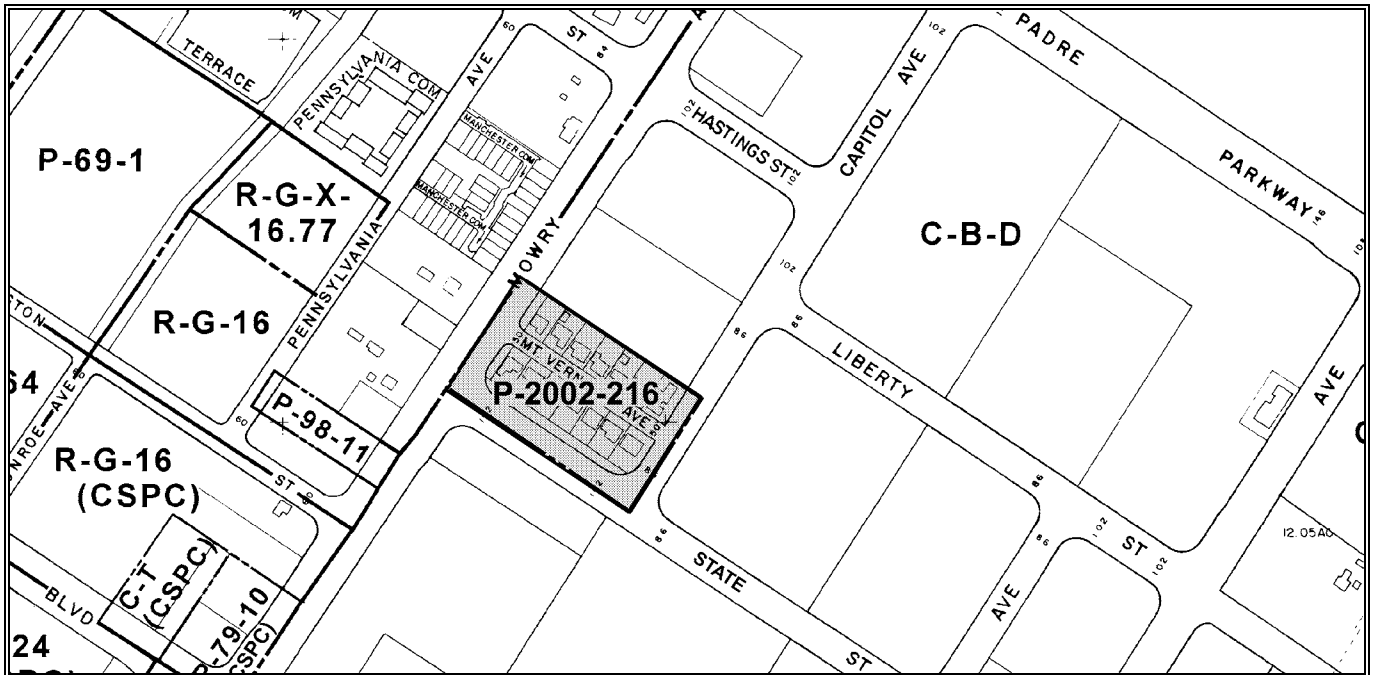
**Other
Regulations
that may be
Applicable:**

As referenced in the R-3-10 Multi-Family Residence Zoning District, Section 8-8-2757 of the Zoning District. Development and all applicable hillside and hill area policies and standards as adopted by the City Council, including the implementation of Measure T policies that are in effect at the time of development of the site.

**Mitigation
Measures**

Future development of the area that results in the conversion to medium density residential uses shall be subject to the mitigation measures adopted for PLN2005-00075.

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

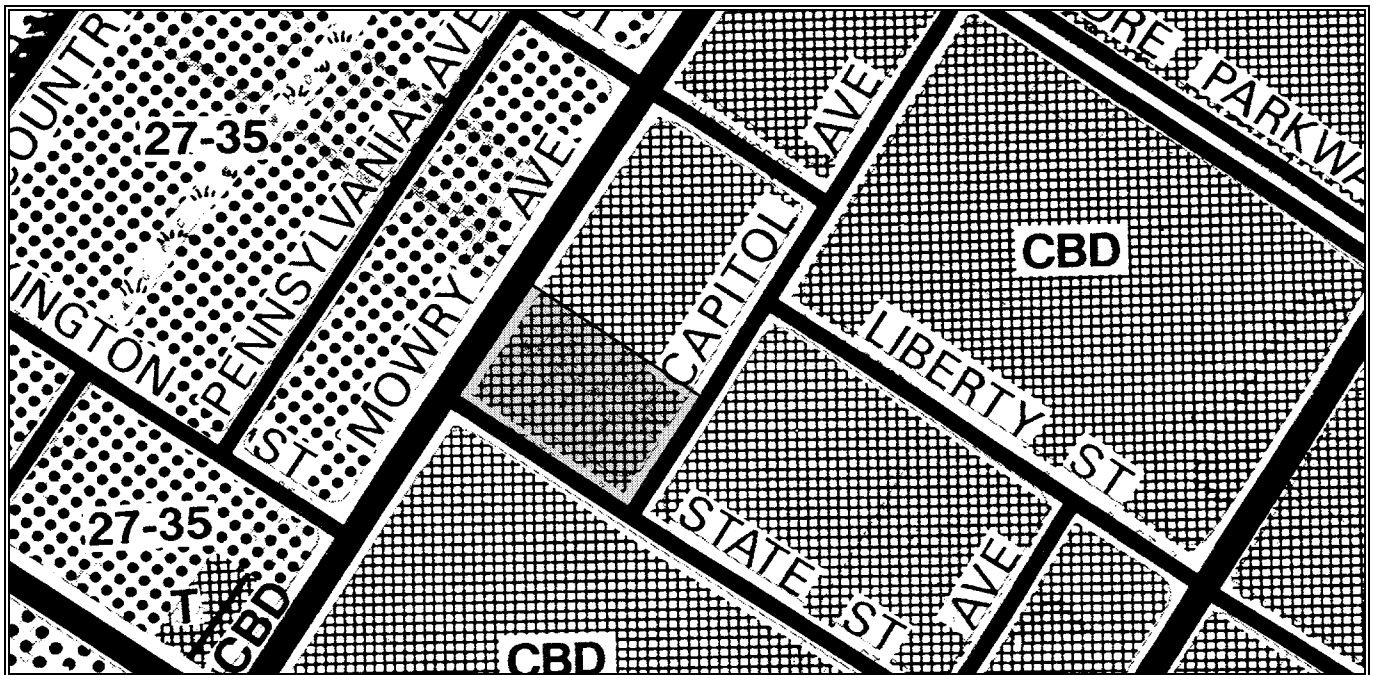


EXHIBIT "B"

Attached to and made a part of

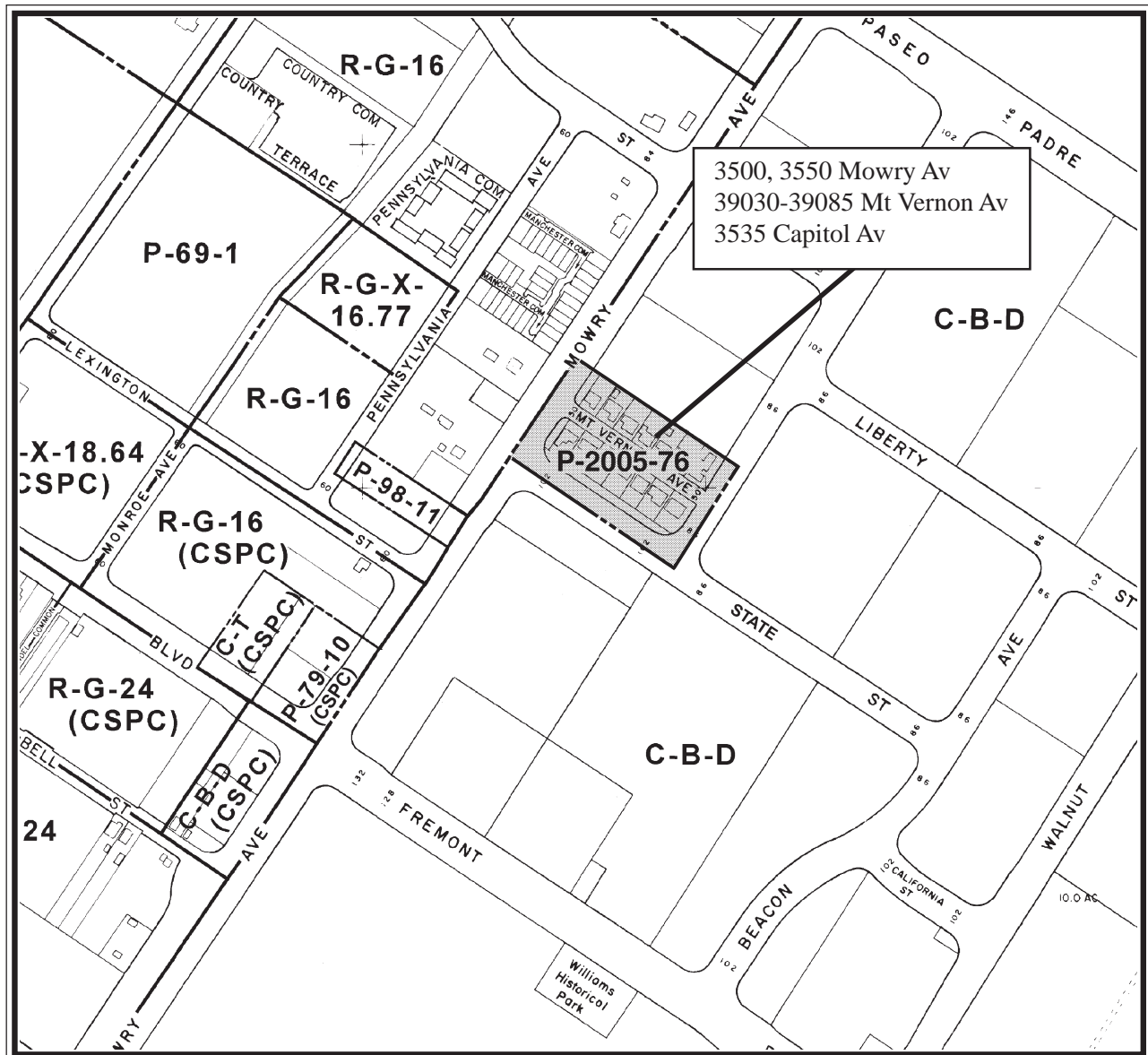
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20**04.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: P-2002-216

To: P-2005-76

[pc on 11-18-2004] 66-384

Project Name: Housing Element Implementation Program 18 (Site 4)

Project Number: PLN2005-00076 (pd)

DWC

EXHIBIT “D”

Mount Vernon Avenue @ Mowry Avenue and Capitol Ave. Planned District (P-2005-76)

- Purpose:** To facilitate the development of approximately 2.43 acres of land located on Mount Vernon Avenue between Mowry Avenue and State Avenue in accordance with the Central Business District (CBD) Concept Plan for Focus Area 4 by allowing residential development of 50 – 70 units per acre as shown in Exhibit “B”, attached. This Planned District (PD) supercedes the previously approved P-2002-216 District (March 14, 2002).
- This P District incorporates the allowed uses, development standards and review processes as approved by P-2002-216 with modifications that will incorporate and additionally provide for the development of high density residential uses as envisioned in the CBD Concept Plan. New language to provide for such residential development has been added accordingly and is shown as underlined text. Any modifications to the approved language in P-2002-216 are shown as “strike through” text.
- Allowed Uses:** Any uses permitted in the Central Business District are permitted along Mount Vernon, with the following modifications, additions and comments:
- High Density Residential units to be located above the ground floor level and to be developed at a density range of 50 – 70 units per acre as provided for in the R-3 District. Preferred uses are those that include high intensity commercial and residential uses that include pedestrian oriented commercial development at ground levels and residential development at a minimum density range of 60 – 70 units per acre, as envisioned in the Central Business District (CBD) Concept Plan.
 - New buildings fronting on Capitol Avenue (see #4, below) shall have ground floor retail uses
 - New buildings fronting on Mount Vernon may have any use permitted in the Central Business district, including on the ground floor;
 - Existing residential building may be converted to any commercial use consistent with the uses permitted in the CBD, so long as the parking and other standards of the Fremont Municipal Code (FMC) and this Planned District are satisfied;
- Allowed Uses:** existing residential uses are non-conforming and may not be expanded (i.e., building additions are not permitted for buildings occupied as residences).
- Site Plan and Architectural Review:** All proposed new buildings and additions consistent with this Planned District standards may be processed as minor amendments to the Planned District subject to Planning Commission review and approval. Buildings proposed that are determined by staff to be inconsistent with these standards or the intent of these standards shall be processed as major amendments, subject to the review and approval of the City Council upon recommendation of the Planning Commission.
- Building and Site Standards:** Building and site standards shall be referenced in the Central Business (CBD) Zoning District, Section 8-21005, Planned District P-2005-76 and the R-3 Multi-Family Residence District Standards, Section 8-2756, of the Fremont Zoning Ordinance. Exceptions to these standards may be permitted subject to the review and approval of the Planning Commission and/or City Council, as applicable. In addition, new development shall be subject to the following requirements:
1. The *minimum* Floor Area Ratio for all new commercial buildings is 0.8 and the maximum is 1.0. Floor area ratios above 1.0 may be permitted through an application for a major amendment to this Planned District.
 2. New high density residential buildings are not subject to a minimum or maximum Floor Area Ratio but are otherwise subject to height standards as provided for in the R-3 District Regulations.

3. Additions to existing buildings are permitted to a maximum of 50 percent of the existing floor area of the building, subject to design review and to the other requirements of FMC such as parking and access (as noted above, such additions are only permitted for non-residential buildings or when an existing residential building is converted to a commercial use permitted in the CBD).
4. Pedestrian-oriented retail design: the first floor of all new building shall have a "retail physical character" fronting on the street with minimum setbacks from the property line/sidewalk as shown in the Design Guidelines for Mount Vernon Avenue (Exhibit C). Parcels on Capitol shall front on Capitol with a secondary frontage extending down Mount Vernon. Parcels on Mowry Avenue shall be oriented to Mount Vernon with a secondary frontage on Mowry.

**Building and
Site Standards:**

5. Sidewalk and streetscape: street and sidewalk dedication and improvements as shown in Exhibit B shall be implemented with any proposed development which increases the floor area on a site by more than 50% or by 1000 sq.ft., whichever is less, or for a new building.
6. Legal parcels of land vacant as of the date of adoption of this ordinance are not subject to the minimum Floor Area Ratio requirements of this ordinance.

**Other
Regulations
that may be
Applicable:**

As referenced in the Central Business District (CBD) Zoning District, Section 8-21007 and R-3 Multi-Family Residence Zoning District, Section 8-2757 of the Zoning District.

**Applicable:
Mitigations**

Future development of the area that results in the conversion to mixed high density residential and commercial uses shall be subject to the mitigation measures adopted for PLN2005-00076.